2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

15 June 2005

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Summary record of the 17th meeting
Held at Headquarters, New York, on Wednesday, 18 May 2005, at 10.30 a.m.

President:	Mr. de Queiroz Duarte	(Brazil)
later:	Mr. Bylica (Vice-President)	(Poland)
later:	Mr. de Queiroz Duarte	(Brazil)

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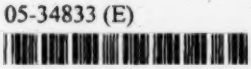

The meeting was called to order at 10.50 a.m.

General debate (*continued*)

1. **Mr. Paulsen** (Norway), introducing document NPT/CONF.2005/WP.23 entitled "NPT — a dynamic instrument and core pillar of international security", said that article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was an essential part of the NPT bargain. Disarmament was an effective non-proliferation strategy and necessary for the NPT to function well. The States parties to the NPT must therefore build on the achievements of the earlier Review Conferences.

2. The nuclear-weapon States must reduce their nuclear arsenals irreversibly and diminish the role played by such weapons in their security and defence policies. His delegation called for the full implementation and gradual codification of the presidential nuclear initiatives of 1991 and 1992. Nuclear disarmament involved more than a mere reduction in the number of nuclear weapons, however. States must also curb the development of new types of nuclear weapons as provided for by the Comprehensive Nuclear-Test-Ban Treaty (CTBT). His Government would like to see the entry into force of the CTBT as soon as possible and urged all countries, particularly those declared nuclear-capable, to ratify the Treaty as soon as possible.

3. A fissile material cut-off treaty banning future production of fissile materials for weapons purposes would have a positive effect on non-proliferation and disarmament efforts. For such a treaty to be effective in promoting disarmament, it must also address the question of existing stocks. Meanwhile, his delegation urged all nuclear-weapon States to place their fissile material under the verification regime of the International Atomic Energy Agency (IAEA).

4. Norway urged the three countries which remained outside the NPT to join the Treaty as non-nuclear-weapon States and reiterated its support for the establishment of a nuclear-weapon-free zone in the Middle East. In addition, his Government advocated increased transparency in the implementation of disarmament commitments through regular reporting.

5. There were justified concerns about the nuclear programme of Iran. In view of its long record of concealment and disinformation, there was a heavy burden on Iran to demonstrate that its nuclear programme was peaceful. Norway supported the ongoing negotiations between Iran and the European Union and called on Iran to implement all relevant resolutions adopted by the IAEA Board of Governors.

6. With respect to the application of sensitive materials in civilian nuclear programmes, the continued use of highly enriched uranium was particularly worrisome. Such uranium was the material of choice for terrorists. Current efforts to reduce the risk of terrorists' obtaining such material were inadequate. Every effort must be made to eliminate all uses of highly enriched uranium in civilian nuclear programmes. Equally important was the need for more secure management of existing stocks of fissile materials. While the perceived threat of nuclear terrorism had risen considerably, partnership programmes against the spread of weapons of mass destruction had not grown accordingly. The international community must seek far more adequate means to avert such a threat.

7. It was essential that all Member States should implement Security Council resolution 1540 (2004), including the three countries that had chosen not to join the NPT. His delegation firmly supported that resolution and welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. His Government also welcomed the adoption of relevant IAEA instruments and Code of Conduct on the Safety and Security of Radioactive Sources and the conference to strengthen the Convention on the Physical Protection of Nuclear Material. Furthermore, it urged all countries to provide financial resources to the IAEA Nuclear Security Fund.

8. Lastly, his delegation noted with appreciation the working papers on the subject of withdrawal from the NPT, which was an important element of the paper submitted by Norway. The present Conference should identify the appropriate disincentives to be applied in future in the event that a State party indicated its intent to withdraw from the Treaty.

9. **Mr. Hu** Xiaodi (China) introduced document NPT/CONF.2005/WP.7 entitled "Security assurances", for incorporation in the report of Main Committee I; document NPT/CONF.2005/WP.4 entitled "Nuclear-weapon-free zone", for incorporation in the report of Main Committee II; and document NPT/CONF.2005/WP.5 entitled "Nuclear issues in the Middle East", for incorporation in the report of Main Committee II.

10. **Mr. Gala López** (Cuba), noting that his delegation had submitted its national report on the implementation of article VI of the NPT, introduced document NPT/CONF.2005/WP.26 entitled "Proliferation Security Initiative: legal consequences from the standpoint of international law", which included remarks on Security Council resolution 1540 (2004) and put forward Cuba's position on the way in which the issue of terrorism and weapons of mass destruction should be addressed. Some parts of the Initiative violated basic principles of international law, such as the prohibition against interference in the internal affairs of States and against the threat or use of force against the territorial integrity of States, as well as the provisions of the United Nations Convention on the Law of the Sea. Furthermore, the Initiative undermined multilateralism and international cooperation in the area of disarmament, arms control and non-proliferation under existing international treaties and within the mandates of the relevant international organizations.

11. He also introduced document NPT/CONF.2005/WP.24 entitled "Transparency, verification and irreversibility: essential principles in the process of nuclear disarmament". He said that those principles should be incorporated in the framework of any agreement or action to reduce or eliminate any category of nuclear weapons, including with respect to non-strategic nuclear weapons and launching systems. The nuclear-weapon States had an obligation, pursuant to the provisions of the Treaty and jointly with the other States parties, to hold negotiations on nuclear disarmament in accordance with those principles.

12. Lastly, he introduced document NPT/CONF.2005/WP.25 entitled "Peaceful uses of nuclear energy". Pursuant to article IV of the NPT, the unilateral restrictions put in place by some States parties to the Treaty, in most cases for political reasons, which impeded other States parties' peaceful uses of nuclear energy were a violation of the Treaty and should cease. Equally unacceptable was the existence of export-control regimes which relied on selective and discriminatory criteria and which, in practice, seriously hampered the inalienable right of all States to use for peaceful purposes the various nuclear-related resources and technologies available, violated the spirit and letter of the NPT and constituted an obstacle for IAEA to discharge its mandate fully and effectively.

13. **Mr. Al-Nisf** (Qatar), speaking on behalf of the States members of the League of Arab States, introduced the working paper contained in document NPT/CONF.2005/WP.40 on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference.

14. **Mr. Caughley** (New Zealand), speaking also on behalf of Brazil, Egypt, Ireland, Mexico, South Africa and Sweden (the seven members of the New Agenda Coalition), introduced the working paper in document NPT/CONF.2005/WP.27 on nuclear disarmament. The Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed on in 1995, the advisory opinion of the International Court of Justice of 1996 and the Final Document of the 2000 Review Conference (NPT/CONF.2000/28) formed the basis of the international community's expectations that the nuclear-weapon States would make meaningful progress towards nuclear disarmament. His purpose today was to outline the New Agenda Coalition's proposals for taking forward such action on nuclear disarmament.

15. The New Agenda called on India, Pakistan and Israel to accede to the Treaty as non-nuclear-weapon States and reverse all policies pursuing nuclear weapons development or deployment. The ban on nuclear testing was another fundamental component. Despite the international community's frustration concerning the status of the CTBT, the determination of States to see it enter into force had been demonstrated by their efforts to build an unprecedented network of monitoring stations, laboratories and the International Data Centre in Vienna, which, once completed, would be able to detect nuclear explosions anywhere. In the meantime, he called on all States to respect the moratorium on nuclear testing and on those States that had not yet done so to follow France's example and close their nuclear testing sites. He also called on the United States to reconsider its approach to the CTBT and on China to bring forward its ratification process.

16. The Conference on Disarmament must continue to serve as the negotiating forum for disarmament and non-proliferation treaties. Given the numerous efforts to break the deadlock, the increasing impatience of most of its members and current threats to security, its continued inaction was unsustainable. While many States regarded the negotiation of a treaty banning the production of fissile material for non-peaceful uses as

the next logical step for the Conference on Disarmament, he believed that there was still insufficient political will to drive the issue forward, something which was all the more difficult to understand given concerns regarding non-State actors gaining access to fissile material. Recent policy shifts that contested the proposal for a verifiable treaty on the matter overlooked the considerable knowledge and experience acquired in developing the verification regime for the IAEA safeguards system. He called on those nuclear-weapon States that had not yet done so to follow France's example and close down their fissile material production facilities, and on China to follow the example of other nuclear-weapon States and declare a moratorium on fissile material production. The New Agenda had repeatedly called for the Conference on Disarmament to address nuclear disarmament and remained flexible as to the nature of discussions and the end result. Its flexibility had not, however, been reciprocated.

17. The starting point for changing the perception that nuclear weapons equalled security and political power was to address the central role of nuclear weapons in the military doctrines of nuclear-weapon States. By amending their strategic doctrines and abandoning plans to develop new types of nuclear weapons, such States would make a significant contribution to the principle of irreversibility and signal their intent on moving towards nuclear disarmament. Referring to the call in the Final Document of the 2000 Conference for concrete agreed measures to further reduce the operational status of nuclear-weapon systems, he welcomed the Moscow Treaty, which was an encouraging step towards that goal and diminished the risk that those nuclear weapons could be used. Concrete measures could include confidence-building measures for de-alerting, removing nuclear warheads from delivery vehicles and withdrawing nuclear forces from active deployment.

18. The Moscow Treaty needed to be supplemented with provisions on irreversibility, transparency and verification, the key principles agreed at the 2000 Conference, with a view to the complete elimination of nuclear weapons. For the purposes of verification — which was essential if non-nuclear-weapon States were to be assured that nuclear weapons had actually been destroyed — it would be appropriate to extend the verification provisions of the Start I Treaty beyond 2009. Reductions in nuclear weapons, though significant, fell short of the New Agenda's expectations. For there to be real momentum towards fulfilling article VI obligations, the nuclear-weapon States must continue to strive towards eliminating their nuclear arsenals. The New Agenda remained deeply concerned that the Russian Federation continued to contemplate the use of non-strategic weapons as a possible defence against conventional weapons. Such weapons were particularly dangerous, as they were likely to be deployed away from central control and were therefore less secure. The removal of non-strategic weapons would represent significant savings in terms of security and storage costs, constitute a valuable contribution to nuclear disarmament and improve regional and international security.

19. Full acknowledgement of purported progress in nuclear disarmament required greater transparency. A first step would be regular submission of article VI reports, as agreed at the 2000 Conference. While full transparency might not be achievable, enhanced transparency could be developed collectively or within the NPT framework. He welcomed the working papers submitted by the United Kingdom on the subject of verification of nuclear disarmament and would welcome similar information from other nuclear-weapon States. The commitment made in 1995 for further steps on security assurances, including an internationally legally binding instrument, remained unfulfilled.

20. Referring to the various proposals on negative security assurances — including those contained in a New Agenda working paper (NPT/CONF.2005/PC.II/WP.11) and General Assembly resolution 58/51 entitled "Towards a nuclear-weapon-free world: a new agenda" — he said that the New Agenda's goal was to ensure that the issue was taken forward in line with the collective commitments made in 1995. The recommendations before the Conference were intended to engage States in negotiation, in an effort to make real progress towards nuclear disarmament and fulfil the NPT objectives.

21. **Mr. Park** In-kook (Republic of Korea) introduced the working paper contained in document NPT/CONF.2005/WP.42, entitled "Views on substantive issues of the 2005 Review Conference". He hoped that the working paper would encourage fruitful discussion and help the States parties to have a better understanding of his Government's views on substantive issues.

22. **Ms. Bridge** (New Zealand), speaking also on behalf of Australia, introduced the working paper contained in document NPT/CONF.2005/WP.16 on article X (NPT withdrawal). The implications of the withdrawal of any party from the Treaty could be extremely serious. The Treaty strictly limited the circumstances in which withdrawal was possible, but the implications were so grave that Australia and New Zealand believed that some common understandings should be reached on a prompt and appropriate international response in the case of any further withdrawals. They were not suggesting any amendment to article X, but they were suggesting that the parties should not be able to evade their obligations and commitments under the Treaty simply by withdrawing from it.

23. Their proposal was that, first, any State withdrawing from the Treaty should remain accountable for any breach of its obligations while still a party. Second, immediate steps to be taken following an announcement of withdrawal should include automatic referral to the Security Council and calling an extraordinary meeting of States parties to the Treaty. Third, there should be agreed consequences of withdrawal, whereby nuclear equipment, technology or material acquired for peaceful uses should remain subject to Treaty obligations.

24. There were similarities in the working paper on the subject submitted by the European Union, but one difference in the approaches was the role of the depository States in the event of notice of withdrawal. Her delegation welcomed a free and interactive exchange of views on that critically important issue.

25. *Mr. de Queiroz Duarte* (*Brazil*), *President, resumed the Chair.*

26. **Mr. Meyer** (Canada) introduced the working paper contained in document NPT/CONF.2005/WP.39 on achieving permanence with accountability. Most participants in the preparatory committee sessions leading up to the Review Conference had been dissatisfied with the lack of results and the inability of the committee to take decisions in its own right. Canada therefore saw the need for an annual Conference of States Parties to meet between Review Conferences and for the establishment of a standing bureau of the Conference with a mandate extending until the subsequent Review Conference. The working paper also addressed ways to enhance the participation of civil society, which was a vital partner in the NPT regime.

27. **Mr. Wilke** (Netherlands), speaking also on behalf of Belgium, Norway, Lithuania, Spain, Poland and Turkey, introduced the working paper contained in document NPT/CONF.2005/WP.35. The working paper offered building blocks that sought to cover middle-ground positions on the topics of preservation of the integrity of the Treaty, safeguards and verification, accountability and transparency, fissile material, peaceful uses, the CTBT, negative security assurances, non-strategic nuclear weapons and nuclear disarmament.

The meeting rose at 12.10 p.m.